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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,669	11/15/2001	Pascal Treillard	Q67056	7507

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,669

Applicant(s)

TREILLARD, PASCAL

Examiner

DANH C. LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5,11-14, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) in view of Parmar (6,725,039).

As to claim 1, Lupien teaches a method for intersystem (figure 6) transfer of calls from a first cellular mobile radio system (800 MHz) using the handoff transmission technique to a second cellular mobile radio system (1900MHz) which uses a different radio access technique from said first cellular mobile radio system, said handoff transmission using a radio network controller of the first system, referred to as the serving controller (serving MSC), and at least one other radio network controller of the first system, referred to as the drift controller (target MSC) herein adjoining cell information (neighboring list, col.6, lines 30-61) relating to the second system is signaled to said serving controller by at least one drift controller controlling at least one serving cell belonging to said first system and having at least one adjoining cell belonging to said second system.

Lupien fails to teach the macro-diversity transmission. Parmar teaches the macro-diversity transmission (col.6, lines 37-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

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the teaching of Parmar into the system of Lupien in order to provide using a direct BS to BS link.

As to claim 2, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 3, the claim is an apparatus claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 4, the combination of Lupien and Parmar teaches a method according to claim 1 said first system is a system of UMTS ("Universal Mobile Telecommunication System") type, and said adjoining cell information relating to the second system is signaled in a message of the "Radio Link set Response" type (col.4, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Parmar into the system of Lupien in order to allocate the optimum resources for the call.

As to claim 11, the claim is a system claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 12, the claim is an apparatus claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 5, the combination of Lupien and Parmar teaches a method according to claim 1 said first system is a system of UMTS ("Universal Mobile Telecommunication System") type, and said adjoining cell information relating to the second system is signaled in a message of the "Radio Link Addition Response" type (Parmar, col.5, lines 65-67).

As to claim 13, the claim is a system claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 14, the claim is an apparatus claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 25, the combination of Lupien and Parmar teaches a method according to claim 1, wherein said first system is a system of UMTS ("Universal Mobile Telecommunication System") type and said second system is a system of GSM ("Global System for Mobile Communication") type (figure 1).

As to claim 26, the claim is a system claim of claim 25; therefore, the claim is interpreted and rejected as set forth as claim 25.

As to claim 27, the claim is an apparatus claim of claim 25; therefore, the claim is interpreted and rejected as set forth as claim 25.

2. Claims 6, 7, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) and Parmar in view of McGrewr (US 6,614,901).

As to claim 6, the combination of McGrewr and Parmar teaches a method according to claim 1, the combination of McGrewr and Parmar fails to teach a message of the "Radio Link Setup Failure" type. McGrewr teaches a message of the "Radio Link Setup Failure" type (col.6, lines 25-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of McGrewr into the system of Lupien and Parmar in order to enhance the system performance of the mobile communication networks.

As to claim 15, the claim is a system claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 16, the claim is an apparatus claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 7, the combination of Lupien, Parmar and McGrewr teaches method according to claim 1, wherein said first system is a system of UNITS ("Universal Mobile Telecommunication System") type, and said adjoining cell information relating to the second system is signaled in a message of the "Radio Link Addition Failure" type (McGrewr, col.8, lines 15-32).

As to claim 17, the claim is a system claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 18, the claim is an apparatus claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

3. Claims 8-10, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) and Parmar in view of Lidbrink (US .

As to claim 8, the combination of Lupien and Parmar teaches a method according to claim 1, wherein said second system is a system of GSM ("Global System for Mobile Communication") type, and the combination of Lupien and Parmar fails to teach information of CGI ("Cell Global Identity") type. Lidbrink teaches information of CGI ("Cell Global Identity") type (col.11, lines 57-col.12-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide the teaching of Lidbrink into the system of Lupien and Parmar in order to enhance the system performance of the mobile communication networks.

As to claim 19, the claim is a system claim of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 20, the claim is an apparatus claim of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 9, the combination of Lupien, Parmar, Lidbrink teaches said second system is a system of GSM ("Global System for Mobile Communication") type, and said adjoining cell information relating to the second system includes information of BSIC ("Base Station Identity Code") type (Lidbrink, col.11, lines 57-col.12-33).

As to claim 21, the claim is a system claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 22, the claim is an apparatus claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 10, the combination of Lupien, Parmar, Lidbrink teaches said second system is a system of GSM ("Global System for Mobile Communication") type, and said adjoining cell information relating to the second system includes information of BCCH ARFCN ("Broadcast Control Channel Absolute Radio Frequency Channel Number") type (Lidbrink, col.11, lines 57-col.12-33).

As to claim 23, the claim is a system claim of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

As to claim 24, the claim is an apparatus claim of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 10, 2005
DANH CON
PATENT EXAMINER